

EAST PALESTINE VILLAGE COUNCIL MARCH 23, 2015 85 N. MARKETST 7PM

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. Also present was Manager Monteleone, Law Director Dave Powers, and Clerk Misti Martin. The minutes of the March 9th Regular and Utility Committee meeting and the Utility Committee meeting of March 13th were approved on a motion by Mr. Cohen seconded by Mrs. Wisser. There were no department reports, agenda items or clerks report. Mr. Cohen made a motion to go into executive session under ORC Section 121.22 G3 in order to pending legal action with Atty. David Tobin, all in favor. Mayor Zuch stated there would be additional business after the executive session.

MAYOR: Mayor Zuch stated that Breakfast with the Easter Bunny and the Egg Hunt are on Sat March 28.

MANAGER: Manager Monteleone stated that the Street Dept is prepping to repair the bridge at Adams and James St and repairs should be complete by the end of the week, and the water repair on W. Martin St. has been completed. He said on March 31st at 9 am they would be having the Dura patch demo and encouraged council to come watch. He said the Spring Clean up is on Monday April 6th.

LAW DIRECTOR: Atty. Powers stated he has worked on several pieces of legislation for the meeting tonight. He said there have been questions as to whether the private emails of council are public record and stated that they are in fact public record for example emails with other council members, the manager or himself, he advised council those emails must be maintained and not destroyed. Mr. Cohen said he had found that there is a records destruction schedule that is available and asked if we could implement a schedule like that or if it is already in existence. Atty. Powers said to his knowledge he didn't think the Village had that but there is a public records policy that was passed in 2007. He also said he didn't know if there was ever a records retention policy implemented. Clerk Misti Martin stated that we do follow a records destruction policy but that she thought it was only for paper records. Atty. Powers stated you don't have to produce a record that doesn't exist, but emails are records as long as it has to do with village business. Mr. Elzer suggested setting up Village emails for council and then they wouldn't have to worry about it. Kent Chapman who is the Village IT director said he has had this discussion in the past with Gary and then Pete, he said the eastpalestine-oh.gov domain name that his company handles comes with email addresses and that he could check into the compliance aspect of saving the emails to the server

THERE WERE NO STREET OR S/P/R/C REPORTS

DEVELOPMENT: Mr. Elzer said they had a Development Committee meeting prior to the regular meeting where they discussed replacing the signs coming into town; he then made a motion to replace all of the signs coming into town, seconded by Mr. Cohen. All in favor. Mr. Elzer also recognized some of the organization and volunteers in town including the Rotary, the Chamber, and John O'Minerd for the St. Patrick's Parade, John & Carol Turner and CSI for the Clean Up, he said without those people we would not have the Village that we have.

UTILITY: NO REPORT

FINANCE: Mr. Tyger said we had recently had a state audit, he said they found that we did not have a strong enough disaster recovery plan for the computer software. He said they also stated that when the new Municipal building was purchased the West St. Bridge was refinanced and there was a difference of \$1,896 reduced from the General Fund and \$1,896 that increased in Capital Improvements. He said those issues were corrected in February. He also said that we are coming up on some costs for improvements at the WWTP and he suggested council consider putting a small increase on the W/S rates so we have some funds to cover.

THERE WERE NO VISITORS COMMENTS ON CURRENT LEGISLATION

VISITORS: Dianna Elzer, Kent Chapman, Dot Herbert, Mark E. Walker, Terri Ward, Dan Scott, John Martin, John Simon, Chief Brown , Steve Baird, Tim Vargo, John Davis, Mary Beth DiCello, Officer Don Johnson, Tom Giambrone

LEGISLATION: Atty. Beagle introduced Ord. 3-2015 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances; providing for the adoption of new matter in the updated and revised codified ordinances; repealing ordinances and resolution in conflict therewith;** Atty. Beagle called for a vote on Ord. 3-2015. Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser –y. Atty. Beagle introduced Ord. 4-2015 for a first reading and made a motion that it be read by title only, seconded by Mr. Cohn. **An ordinance acknowledging receipt of the “notice of intent to acquire and good faith offer” from the Ohio Department of Transportation for purchase of village property in connection with state route 170 repair and improvement project (col-170-13.62) and accepting the amount offered as just compensation.** Atty. Beagle introduced Res. 5-2015 and made a motion that it be read by title only, seconded by Mr. Cohen. **A resolution authorizing the village manager, on behalf of the village to enter into an agreement with a private entity to operate the park concession stand.** Atty. Beagle called for a vote on Res 5-2015. Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y, Atty. Beagle-y. Atty. Beagle introduced Res. 6-2015 and made a motion that it be read by title only, seconded by Mr. Cohen. **A resolution authorizing the village to enter into an agreement with the Ohio Department of Transportation to purchase road salt.** Atty. Beagle called for a vote on Res. 6-2015. Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y, Atty. Beagle-y, Mr. Elzer-y. Mr. Elzer then stated that he would like to go into executive session to discuss personnel review issues, Atty. Powers stated you have to be specific in the motion for executive session and that the motion must explicitly say for at least one of the following; appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee. Mr. Elzer made a motion to go into executive session to discuss personnel review issues, specifically compensation of a public employee, seconded by Atty. Beagle, all in favor. Mayor Zuch stated there would be no further business conducted after executive session. Approximately fifteen minutes later Mr. Cohen made a motion to return to regular session, seconded by Mr. Elzer. At this point Mr. Tyger called a Finance Committee meeting for April 13 at 6:15 prior to the next regular council meeting.

ADJOURN: Mr. Cohen made a motion to adjourn, seconded by Mr. Tyger. All in favor, meeting adjourned.

MISTI J. MARTIN CLERK

MARGO ZUCH MAYOR